


I hereby certify that this Request for Corrected Filing Receipt application is being electronically filed on November 21, 2007 with the Patent and Trademark Office in Alexandria, VA 22313-1450

 / Ruth Montalvo Date: 11/21/2007

Customer No. 26418

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

Docket No. GK-OEH-255/500814.20157  
Applicant(s): Dr. Walthard VILSER, et al Confirmation No. 4625  
Application No.: 10/594,871 Examiner:  
Filed: September 28, 2006 Group:  
For: SPECTRAL PHOTOMETRY METHOD FOR DETERMINING THE  
OXYGEN SATURATION OF THE BLOOD IN OPTICALLY ACCESSIBLE  
BLOOD VESSELS

Mail Stop: OIPE  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

**REQUEST FOR CORRECTED FILING RECEIPT**

Sir:

The filing receipt received in the above-identified application (copy attached) contains error, the word "SATURATIOBN" in the title should be "SATURATION".

Enclosed is a copy of the declaration as filed.

Applicant requests a Corrected Filing Receipt, showing the title as follows:  
**SPECTRAL PHOTOMETRY METHOD FOR DETERMINING THE OXYGEN  
SATURATION OF THE BLOOD IN OPTICALLY ACCESSIBLE BLOOD VESSELS**

It is respectfully requested that a Corrected Filing Receipt be issued showing the title as indicated above.

Since the error was the applicants, the Commissioner is hereby authorized to the required fees to Deposit Account No. 50-1529.

Respectfully submitted,

  
Gerald H. Kiel – Reg. No. 25,116  
Reed Smith LLP  
599 Lexington Avenue  
New York, NY 10022-7650

GHK:ram  
11/21/2007

Tel.No. (212) 251-5400

Enclosures:  
Marked-up filing receipt  
and declaration as filed



## UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
 United States Patent and Trademark Office  
 Address: COMMISSIONER FOR PATENTS  
 P.O. Box 1450  
 Alexandria, Virginia 22313-1450  
 www.uspto.gov

APPL NO.	FILING OR 371(c) DATE	ART UNIT	FIL FEE REC'D	ATTY. DOCKET NO	TOT CLMS	IND CLMS
10/594,871	09/28/2006	3768	550	GK-OEH-255/500814.20157	24	2

CONFIRMATION NO. 4625

CORRECTED FILING RECEIPT



\*OC000000025281282\*

26418  
 REED SMITH, LLP  
 ATTN: PATENT RECORDS DEPARTMENT  
 599 LEXINGTON AVENUE, 29TH FLOOR  
 NEW YORK, NY 10022-7650

Date Mailed: 08/09/2007

Receipt is acknowledged of this nonprovisional patent application. The application will be taken up for examination in due course. Applicant will be notified as to the results of the examination. Any correspondence concerning the application must include the following identification information: the U.S. APPLICATION NUMBER, FILING DATE, NAME OF APPLICANT, and TITLE OF INVENTION. Fees transmitted by check or draft are subject to collection. Please verify the accuracy of the data presented on this receipt. **If an error is noted on this Filing Receipt, please write to the Office of Initial Patent Examination's Filing Receipt Corrections. Please provide a copy of this Filing Receipt with the changes noted thereon. If you received a "Notice to File Missing Parts" for this application, please submit any corrections to this Filing Receipt with your reply to the Notice. When the USPTO processes the reply to the Notice, the USPTO will generate another Filing Receipt incorporating the requested corrections (if appropriate).**

**Applicant(s)**

Walthard Vilser, Rudolstadt, GERMANY;  
 Martin Hammer, Jena, GERMANY;

**Assignment For Published Patent Application**

IMEDOS GmbH

**Power of Attorney:** The patent practitioners associated with Customer Number **26418**.

**Domestic Priority data as claimed by applicant**

This application is a 371 of PCT/DE05/00588 03/31/2005

**Foreign Applications**

GERMANY 10 2004 016 435.5 03/31/2004

**If Required, Foreign Filing License Granted:** 06/08/2007

The country code and number of your priority application, to be used for filing abroad under the Paris Convention, is **US10/594,871**

**Projected Publication Date:** 09/20/2007

Non-Publication Request: No

Early Publication Request: No

\*\* SMALL ENTITY \*\*

Title

Spectral Photometry Method for Determining the Oxygen Saturation of the Blood in Optically Accessible Blood Vessels

Preliminary Class

600

↓  
Saturation

## PROTECTING YOUR INVENTION OUTSIDE THE UNITED STATES

Since the rights granted by a U.S. patent extend only throughout the territory of the United States and have no effect in a foreign country, an inventor who wishes patent protection in another country must apply for a patent in a specific country or in regional patent offices. Applicants may wish to consider the filing of an international application under the Patent Cooperation Treaty (PCT). An international (PCT) application generally has the same effect as a regular national patent application in each PCT-member country. The PCT process **simplifies** the filing of patent applications on the same invention in member countries, but **does not result** in a grant of "an international patent" and does not eliminate the need of applicants to file additional documents and fees in countries where patent protection is desired.

Almost every country has its own patent law, and a person desiring a patent in a particular country must make an application for patent in that country in accordance with its particular laws. Since the laws of many countries differ in various respects from the patent law of the United States, applicants are advised to seek guidance from specific foreign countries to ensure that patent rights are not lost prematurely.

Applicants also are advised that in the case of inventions made in the United States, the Director of the USPTO must issue a license before applicants can apply for a patent in a foreign country. The filing of a U.S. patent application serves as a request for a foreign filing license. The application's filing receipt contains further information and guidance as to the status of applicant's license for foreign filing.

Applicants may wish to consult the USPTO booklet, "General Information Concerning Patents" (specifically, the section entitled "Treaties and Foreign Patents") for more information on timeframes and deadlines for filing foreign patent applications. The guide is available either by contacting the USPTO Contact Center at 800-786-9199, or it can be viewed on the USPTO website at <http://www.uspto.gov/web/offices/pac/doc/general/index.html>.

For information on preventing theft of your intellectual property (patents, trademarks and copyrights), you may wish to consult the U.S. Government website, <http://www.stopfakes.gov>. Part of a Department of Commerce initiative, this website includes self-help "toolkits" giving innovators guidance on how to protect intellectual property in specific countries such as China, Korea and Mexico. For questions regarding patent enforcement issues, applicants may call the U.S. Government hotline at 1-866-999-HALT (1-866-999-4158).

### LICENSE FOR FOREIGN FILING UNDER

Title 35, United States Code, Section 184

Title 37, Code of Federal Regulations, 5.11 & 5.15

**GRANTED**

The applicant has been granted a license under 35 U.S.C. 184, if the phrase "IF REQUIRED, FOREIGN FILING

LICENSE GRANTED" followed by a date appears on this form. Such licenses are issued in all applications where the conditions for issuance of a license have been met, regardless of whether or not a license may be required as set forth in 37 CFR 5.15. The scope and limitations of this license are set forth in 37 CFR 5.15(a) unless an earlier license has been issued under 37 CFR 5.15(b). The license is subject to revocation upon written notification. The date indicated is the effective date of the license, unless an earlier license of similar scope has been granted under 37 CFR 5.13 or 5.14.

This license is to be retained by the licensee and may be used at any time on or after the effective date thereof unless it is revoked. This license is automatically transferred to any related applications(s) filed under 37 CFR 1.53(d). This license is not retroactive.

The grant of a license does not in any way lessen the responsibility of a licensee for the security of the subject matter as imposed by any Government contract or the provisions of existing laws relating to espionage and the national security or the export of technical data. Licensees should apprise themselves of current regulations especially with respect to certain countries, of other agencies, particularly the Office of Defense Trade Controls, Department of State (with respect to Arms, Munitions and Implements of War (22 CFR 121-128)); the Bureau of Industry and Security, Department of Commerce (15 CFR parts 730-774); the Office of Foreign Assets Control, Department of Treasury (31 CFR Parts 500+) and the Department of Energy.

#### **NOT GRANTED**

No license under 35 U.S.C. 184 has been granted at this time, if the phrase "IF REQUIRED, FOREIGN FILING LICENSE GRANTED" DOES NOT appear on this form. Applicant may still petition for a license under 37 CFR 5.12, if a license is desired before the expiration of 6 months from the filing date of the application. If 6 months has lapsed from the filing date of this application and the licensee has not received any indication of a secrecy order under 35 U.S.C. 181, the licensee may foreign file the application pursuant to 37 CFR 5.15(b).

UNITED STATES OF AMERICA  
COMBINED DECLARATION AND POWER OF ATTORNEY  
FOR PATENT APPLICATION

FILE NO. GK-OEH-255/  
500814.20157

As a below named inventor, I hereby declare that: my residence, post office address and citizenship are as stated below next to my name; that I verily believe that I am the original, first and sole inventor (if only one name is listed below) or a joint inventor (if plural inventors are named) of the subject matter which is claimed and for which a patent is sought on the invention entitled:

**SPECTRAL PHOTOMETRY METHOD FOR DETERMINING THE OXYGEN SATURATION  
OF THE BLOOD IN OPTICALLY ACCESSIBLE BLOOD VESSELS**

The specification of which

- ☒ is attached hereto.  
☐ was filed on \_\_\_\_\_ as United States patent application Serial Number \_\_\_\_\_  
☒ was filed on March 31, 2005 as PCT international patent application No. PCT/DE2005/000588  
and was amended on \_\_\_\_\_ (if any).

I hereby state that I have reviewed and understand the contents of the above identified specification, including the claims, as amended by any amendment referred to above.

I acknowledge the duty to disclose all information known to be material to patentability in accordance with Title 37, Code of Federal Regulations, § 1.56.

I hereby claim foreign priority benefits under Title 35, United States Code § 119 of any foreign application(s) for patent or inventor's certificate listed below and have also identified below any foreign application for patent or inventor's certificate having a filing date before that of the application on which priority is claimed:

Prior Foreign Application(s)

COUNTRY	APPLICATION NUMBER	DATE OF FILING (day, month, year)	PRIORITY CLAIMED UNDER 35 U.S.C. § 119
Germany	10 2004 016 435.5	31 March 2004	YES <u>x</u> NO _____
			YES _____ NO _____



I hereby appoint REED SMITH LLP and the members of the firm: Lloyd McAulay, Reg. No. 20,423; Jules E. Goldberg, Reg. No. 24,408; Gerald H. Kiel, Reg. No. 25,116; Eugene LeDonne, Reg. No. 35,930; Stephen Chin, Reg. No. 39,938; Arthur Dresner, Reg. No. 24,403; Harry K. Ahn, Reg. No. 40,243; Sylvia Tan, Reg. No. 47,324, and Bala Sundararajan, Reg. No. 50,900; attorneys with full power of substitution and revocation to prosecute all business in the Patent & Trademark Office connected therewith and to receive all correspondence.

SEND CORRESPONDENCE TO:

Gerald H. Kiel, Esq.  
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New York, New York 10022-7650 U.S.A.

DIRECT TELEPHONE CALLS TO: (212) 521-5400

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

FULL NAME OF SOLE OR FIRST INVENTOR <b>Dr. Walthard VILSER</b>		INVENTOR'S SIGNATURE 	DATE <b>09/01/06</b>
RESIDENCE <b>D-07407 Rudolstadt, Germany</b>		COUNTRY OF CITIZENSHIP <b>Germany</b>	
POST OFFICE ADDRESS <b>Sigismundstrasse 8, D-07407 Rudolstadt, Germany</b>			
FULL NAME OF SECOND INVENTOR (IF ANY) <b>Dr. Martin HAMMER</b>		INVENTOR'S SIGNATURE 	DATE <b>09/01/06</b>
RESIDENCE <b>D-07749 Jena, Germany</b>		COUNTRY OF CITIZENSHIP <b>Germany</b>	
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